

COMPARISON OF STATE VERSUS FEDERAL UST REQUIREMENTS

NOTE: This chart is only a brief summary of certain aspects of the State rules. To fully understand the differences between the State and federal requirements, the reader should review the actual State rules and the corresponding federal regulations.

SUBCHAPTER 1. PROGRAM SCOPE	
State Requirements	Federal Requirements
A. <u>§11-281-01 Applicability</u> ▶ regulates same universe as the federal requirements	<u>§280.10 Applicability</u>
B. <u>§11-281-03 Definitions</u> --Additional defs.: 1. complaint 2. corrective action 3. exposure assessment 4. field citation 5. force majeure 6. installation 7. operate 8. permit 9. provider of financial assurance 10. release response action 11. reportable quantity 12. Technical Guidance Manual (TGM) 13. variance	<u>§280.12 Definitions</u> ▶ no comparable definitions
Different definitions: ▶ "farm tank", "underground storage tank", and "UST" clarify that farm tanks must be used only for farm related purposes ▶ "owner" does not include the phrase "used for storage, use, or dispensing of regulated substances" ▶ "person" includes <i>government corporation, county, and any other legal entity</i> and does not include <i>municipality and political subdivision</i> . ▶ "regulated substance" is different from the federal definition ▶ "release" does not include the phrase "into groundwater, surface water, or subsurface soils" ▶ "repair" specifies that a release must be <u>to the environment</u>	▶ no comparable provision ▶ federal definition includes the phrase ▶ federal definition includes the phrase ▶ federal definition does not specify

SUBCHAPTER 2. UST SYSTEM DESIGN, CONSTRUCTION, & INSTALLATION	
State Requirements	Federal Requirements
A. <u>§11-281-11(c) & 17 Performance standards and secondary containment</u> ▶ <u>petroleum</u> USTs and piping installed after the effective date of the State rules must have secondary containment. <u>Hazardous substance</u> USTs and piping installed after 12/22/88 must have secondary containment including monthly monitoring	<u>§280.42 Requirements for petroleum and hazardous substance tanks</u> ▶ secondary containment required only for <u>hazardous substance</u> tanks or piping installed after 12/22/88
B. <u>§11-281-14(c) Spill and overfill prevention equipment</u> ▶ specifies <u>labeling</u> and <u>location</u> of alarm(s)	<u>§280.20(c) & 30 Spill and overfill prevention equipment and control</u> ▶ does not specify labeling or where to locate alarm
C. <u>§11-281-16 Certification of installation</u> ▶ eliminates option of State certification or licensure of installers ▶ eliminates option of the installation being inspected and approved by the implementing agency	<u>§280.20(e) Performance standards for new UST systems</u> ▶ allows an option for states to certify or license UST installers ▶ allows such an option
D. <u>§11-281-16(a)(3) Certification of installation</u> ▶ manufacturer's installation checklist must be completed <u>and kept</u>	<u>§280.20(e) Performance standards for new UST systems</u> ▶ does not require the checklist be kept; only requires a certification of installation on the notification form

<p>E. <u>§11-281-18(a)(3)</u> <i>Upgrading of existing underground storage tanks and tank systems</i></p> <p>► tanks must meet one of the following: (1) Replacement, (2) Upgrading requirements, (3) Closure, and (4) <u>Change-in-service</u></p>	<p><u>§280.21(a)(3)</u> <i>Upgrading of existing UST systems</i></p> <p>► tanks must meet one of the following: (1) Replacement (2) Upgrading requirements, and (3) Closure</p>
<p>F. <u>§11-281-18(e)</u> <i>Upgrading of existing underground storage tanks and tank systems</i></p> <p>► tanks that fail to meet the upgrading standards must comply with replacement, closure, or change-in-service</p>	<p><u>§280.21(a)(3)</u> <i>Upgrading of existing UST systems</i></p> <p>► implied but not spelled out</p>
SUBCHAPTER 3. NOTIFICATIONS, PERMITS, & VARIANCES	
State Requirements	Federal Requirements
<p>A. <u>§11-281-21(1)</u> <i>Notification requirements</i></p> <p>► submit an amended notification to DOH when there is a change in ownership</p> <p>► requires some additional information required on notification form (e.g., facility drawing)</p>	<p><u>§280.22</u> <i>Notification requirements</i></p> <p>► no comparable requirement</p> <p>► additional information not required</p>
<p>B. <u>§11-281-21(2)</u> <i>Notification requirements</i></p> <p>► report to the DOH when there is a change in operator</p>	<p><u>§280.22</u> <i>Notification requirements</i></p> <p>► no comparable requirement</p>
<p>C. <u>§11-281-21(3)</u> <i>Notification requirements</i></p> <p>► amended notification required within 30 days of a change in: closure, service, repairs, financial responsibility, and operating and release detection methods</p>	<p><u>§280.22</u> <i>Notification requirements</i></p> <p>► no comparable requirement</p>
<p>D. <u>§11-281-22</u> <i>Notification requirements for tanks brought into use on or after the effective date of these rules</i></p> <p>► for tanks brought into use on or after the effective date of the State rules, the owner must comply with the permit requirements of subchapter 3</p>	<p><u>§280.22</u> <i>Notification requirements</i></p> <p>► no permit is required</p>
<p>E. <u>§11-281-23</u> <i>Permit required</i></p> <p>► for tanks brought into use on or after the effective date of the State rules, the owner must apply for and receive a permit before installation and/or operation</p> <p>► a permit application is submitted in lieu of a notification</p>	<p>► no permit is required</p>
<p>F. <u>§11-281-24</u> <i>Application for a permit</i></p> <p>► the application shall be submitted on forms prescribed by DOH</p> <p>► the permit application contains information similar to the federal notification form but requires some additional information (e.g. operator info, corrosion protection info., certification by operator, name & address of contractor, facility drawing). Does not require certain info (e.g., latitude and longitude)</p>	<p>► notification is required but no permit</p>
<p>G. <u>§11-281-25</u> <i>Permit</i></p> <p>► the director shall issue a permit for five years</p> <p>► installation must be completed within one year of permit issuance</p> <p>► o/o must inform DOH at least 7 days prior to the actual installation and 30 days after</p>	<p><u>§280.22</u> <i>Notification requirements</i></p> <p>► no comparable requirements</p> <p>► notification required 30 days after installation but there is no requirement for prior notice</p>
<p>H. <u>§11-281-26</u> <i>Permit renewals</i></p> <p>► a permit may be renewed for 5 years</p>	<p>► no comparable requirements</p>
<p>I. <u>§11-281-27</u> <i>Action on and timely approval of an application for a permit</i></p> <p>► the director shall not act on an incomplete permit</p> <p>► the director shall act on an application within 180 days of receipt</p>	<p>► no comparable requirements</p>
<p>J. <u>§11-281-28</u> <i>Permit conditions</i></p> <p>► the director may impose conditions on a permit that the director deems reasonably necessary to ensure compliance with the rules</p>	<p>► no comparable requirement</p>

<p>K. <u>§11-281-29 Modification of permit and notice of change</u></p> <p>▶ the director may modify a permit if there is a change that requires a modification. Modifications are required for changes in: service, repairs, piping, substance stored, corrosion protection mechanism, and secondary containment</p> <p>▶ written notice of change--but no modification--required for changes in: product dispensing method, financial responsibility, leak detection method, spill/overfill prevention method, and closures</p>	<p>▶ no comparable requirements</p>
<p>L. <u>§11-281-30 Revocation or suspension of permit</u></p> <p>▶ the director may revoke or suspend a permit if: (1) there is a release or threatened release that poses an immediate and substantial risk to human health and the environment; (2) the permittee violates a condition of the permit; or (3) the permit was obtained by misrepresentation or incomplete disclosure of facts</p>	<p>▶ no comparable requirement</p>
<p>M. <u>§11-281-31 Changes in owner or operator for a permit</u></p> <p>▶ no permit to install, own, or operate an UST shall be transferable unless approved by DOH</p>	<p>▶ no comparable requirement</p>
<p>N. <u>§11-281-32 Variance allowed</u></p> <p>▶ variances may be granted for State rules that are more stringent than the federal and which would result in financial hardship for the owner/operator. Procedures are found in HRS 342L-6</p> <p>▶ no variance may be less stringent than the federal requirements</p>	<p>▶ no comparable requirement.</p>
<p>O. <u>§11-281-33 Variance applications</u></p> <p>▶ the application shall be submitted on forms prescribed by DOH</p> <p>▶ the director shall act on an application within 180 days of receipt</p>	<p>▶ no comparable requirement</p> <p>▶ a maximum timeframe must be established per Act 164</p> <p>▶ 180 days consistent with other approval programs</p>
<p>P. <u>§11-281-34 Maintenance of permit or variance</u></p> <p>▶ permits and variance shall be maintained at the UST location</p>	<p>▶ no comparable requirement</p>
<p>Q. <u>§11-281-35 Fees</u></p> <p>▶ fees for permits and variances: new applications, renewals, modifications & transfers</p> <p>▶ fees will range from \$25 to \$200</p>	<p>▶ no comparable requirement</p>
SUBCHAPTER 4. GENERAL OPERATING REQUIREMENTS	
State Requirements	Federal Requirements
<p>A. <u>§11-281-44(b)(4) Repairs</u></p> <p>▶ the State does not allow another test method to be used besides the two options outlined in 11-281-44(b)(4)(A) & (B)</p>	<p><u>§280.33(d)(3) Repairs allowed</u></p> <p>▶ EPA allows another test method to be used that is determined by the implementing agency to be no less protective of human health and the environment</p>
<p>B. <u>§11-281-45(c) Reporting and recordkeeping</u></p> <p>▶ several records must be kept for <u>the remaining operating life of the UST or tank system</u></p>	<p><u>§280.34(b) Reporting and recordkeeping</u></p> <p>▶ no time period specified</p>
<p>C. <u>§11-281-45(c)(5) Reporting and recordkeeping</u></p> <p>▶ records must be kept of the <u>compliance with</u> change-in-service or permanent closure <u>requirements</u></p> <p>▶ these records must be kept for 3 years after completion of closure or change-in-service</p>	<p><u>§280.34(b) Reporting and recordkeeping</u></p> <p>▶ only requires that results of the site assessment conducted at permanent closure or change-in-service to be kept and to be kept for 3 years after completion closure or change-in-service</p>
<p>D. <u>§11-281-45(c)(7) Reporting and recordkeeping</u></p> <p>▶ proof of current financial assurance mechanisms must be kept</p>	<p><u>§280.34(b) Reporting and recordkeeping</u></p> <p>▶ such records are not required to be kept</p>
<p>E. <u>§11-281-45(d) Reporting and recordkeeping</u></p> <p>▶ specifies that certain records must be immediately available for DOH inspection either by keeping the records on-site or by maintaining them through another recordkeeping method as approved by the director. An alternative site is allowed for closure records only</p>	<p><u>§280.34(c) Reporting and recordkeeping</u></p> <p>▶ an alternative site is allowed for all records and the records do not have to be immediately available</p>

SUBCHAPTER 5. RELEASE DETECTION	
State Requirements	Federal Requirements
A. <u>§11-281-51(a)(2)</u> <i>General requirements</i> <ul style="list-style-type: none"> ▶ maintenance & service checks required for tanks <u>every 12 months</u> or as specified by the manufacturer 	<u>§280.40</u> <i>General requirements</i> <ul style="list-style-type: none"> ▶ no frequency is specified
B. <u>§11-281-51(e)(1)(B)</u> , <u>(e)(2)(A)(ii)</u> <i>General requirements</i> . <u>§11-281-52(1)(F)</u> <i>Inventory control</i> . <u>§11-281-53(1)</u> <i>Automatic line leak detectors</i> <ul style="list-style-type: none"> ▶ testing to be done <u>every 12 months</u> 	<u>§280.41(a)(2)</u> , <u>(b)(1)(ii)</u> <i>Requirements for petroleum UST systems</i> . <u>§280.43(a)(6)</u> <i>Inventory control</i> . <u>§280.44(a)</u> <i>Automatic line leak detectors</i> <ul style="list-style-type: none"> ▶ testing to be done <u>annually</u>
C. <u>§11-281-51(e)(1)</u> <i>General requirements</i> <ul style="list-style-type: none"> ▶ the State appears to have no provision comparable to 40 CFR 280.41(a)(3) 	<u>§280.41(a)(3)</u> <i>Requirements for petroleum UST systems</i> <ul style="list-style-type: none"> ▶ tanks with a capacity of <u>550</u> gallons or less may use <u>weekly</u> tank gauging
D. <u>§11-281-52(1)(C)</u> <i>Inventory control</i> <ul style="list-style-type: none"> ▶ measurements must be done through a drop tube ▶ measurements must be made to the nearest 1/8th of an inch 	<u>§280.43(a)</u> <i>Inventory control</i> <ul style="list-style-type: none"> ▶ required for inventory control deliveries but not measurements ▶ specifies that the measuring device be capable of measuring to the nearest 1/8 th of an inch but does not specify the degree of the actual measurements
E. <u>§11-281-52(1)(F)</u> <i>Inventory control</i> <ul style="list-style-type: none"> ▶ non-retail enterprises only may use the option of calibrating the product dispensing meter to an accuracy of 6 cubic inches for every 5 gallons of product withdrawn ▶ meters must be calibrated <u>every 12 months</u> 	<u>§280.43(a)</u> <i>Inventory control</i> <ul style="list-style-type: none"> ▶ allows the option for retailers as well ▶ frequency of calibration is not specified
F. <u>§11-281-52(2)(B)</u> <i>Manual tank gauging (MTG)</i> <ul style="list-style-type: none"> ▶ measurements must be done through a drop tube ▶ measurements must be made to the nearest 1/8th of an inch 	<u>§280.43(b)</u> <i>Manual tank gauging</i> <ul style="list-style-type: none"> ▶ required for inventory control deliveries but not MTG ▶ specifies that the measuring device be capable of measuring to the nearest 1/8 th of an inch but does not specify the degree of the actual measurements
G. <u>§11-281-52(2)(E)</u> <i>Manual tank gauging (MTG)</i> <ul style="list-style-type: none"> ▶ measurements shall be conducted each week of the month and if a month has 5 measurement periods, the weekly test with the smallest discrepancy shall not be used to calculate the average 	<u>§280.43(b)</u> <i>Manual tank gauging</i> <ul style="list-style-type: none"> ▶ no explicit requirement for testing each week nor how to handle 5 measurement periods
H. <u>§11-281-52(2)(F)</u> <i>Manual tank gauging (MTG)</i> <ul style="list-style-type: none"> ▶ tanks of ≤ 1,000 gal. may use MTG as the sole method of release detection except where tank tightness testing is required. 	<u>§280.43(b)</u> <i>Manual tank gauging</i> <ul style="list-style-type: none"> ▶ specifies tanks of ≤ 550 gals.
I. <u>§11-281-52(4)(B)</u> <i>Automatic Tank Gauging (ATG)</i> <ul style="list-style-type: none"> ▶ requires inventory control in conjunction with ATG <u>only</u> when the ATG is not third party certified for detecting a release of 0.2 gallons per hour with a 95% probability of detection and 5% probability of false alarm and was installed prior to Dec. 22, 1990 	<u>§280.43(d)(2)</u> <i>Automatic Tank Gauging</i> <ul style="list-style-type: none"> ▶ requires inventory control (or another test of equivalent performance) in all instances
J. <u>§11-281-52(5)(F) & (6)(G)</u> <i>Vapor monitoring and Groundwater monitoring</i> <ul style="list-style-type: none"> ▶ in the excavation zone, the site must be assessed with <u>written documentation</u> 	<u>§280.43(e)(6) & (f)(7)</u> <i>Vapor monitoring and Groundwater monitoring</i> <ul style="list-style-type: none"> ▶ written documentation not specified
K. <u>§11-281-52(7)</u> <i>Interstitial monitoring</i> <ul style="list-style-type: none"> ▶ for UST systems with a secondary barrier within the excavation zone, there is no option of a sampling or test method that can detect a release between the UST and the secondary barrier 	<u>§280.43(g)(2)</u> <i>Interstitial monitoring</i> <ul style="list-style-type: none"> ▶ allows such an option
L. <u>§11-281-53(1)</u> <i>Methods of release detection for piping</i> <ul style="list-style-type: none"> ▶ triggering of an alarm is not allowed as a method for automatic line leak detection 	<u>§280.44(a)</u> <i>Methods of release detection for piping</i> <ul style="list-style-type: none"> ▶ triggering of an alarm is allowed
M. <u>§11-281-54(b)(1)</u> <i>Release detection recordkeeping</i> <ul style="list-style-type: none"> ▶ written performance claims must be kept for the <u>lifetime of the equipment</u> 	<u>§280.45</u> <i>Release detection recordkeeping</i> <ul style="list-style-type: none"> ▶ claims must be kept for <u>five years</u>
N. <u>§11-281-54(b)(3)</u> <i>Release detection recordkeeping</i> <ul style="list-style-type: none"> ▶ schedules of required calibration and maintenance must be kept for the <u>lifetime of the equipment</u> 	<u>§280.45</u> <i>Release detection recordkeeping</i> <ul style="list-style-type: none"> ▶ schedules must be kept for <u>five years</u>

<p>O. <u>§11-281-54(b)(4) Release detection recordkeeping</u></p> <ul style="list-style-type: none"> records must be kept of the last 12 months of release detection, the most recent tank and line tightness tests, and test results of the automatic line leak detectors tank and line tightness test records must be kept until the next test is conducted records must include all of the testing data--not just pass/fail determination 	<p><u>§280.45 Release detection recordkeeping</u></p> <ul style="list-style-type: none"> specifies that the results of sampling, testing, or monitoring must be kept but does not list specific records specifies that only tank tightness test records be kept until the next test does not specify the level of detail for the testing data
<p>P. <u>11-281-54(b)(5) Release detection recordkeeping</u></p> <ul style="list-style-type: none"> operating manuals must be kept for the remaining operating life of the UST or tank system 	<p><u>§280.45 Release detection recordkeeping</u></p> <ul style="list-style-type: none"> manual not required to be kept
<p>Q. <u>§11-281-54(b)(6) Release detection recordkeeping</u></p> <ul style="list-style-type: none"> documentation of the site assessment for suitability of vapor or groundwater monitoring must be kept 	<p><u>§280.45 Release detection recordkeeping</u></p> <ul style="list-style-type: none"> documentation not required to be kept

SUBCHAPTER 6. RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION

State Requirements	Federal Requirements
<p>A. <u>§11-281-63(a) Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> department may grant an <u>extension</u> of the 7 days required for confirmation 	<p><u>§280.52 Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> allows for another reasonable time period as specified by the implementing agency
<p>B. <u>§11-281-63(b)(2) Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> o/o must also consider the <u>surrounding soil</u> and the <u>flow</u> of groundwater as factors for identifying a release 	<p><u>§280.52 Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> specifies only backfill and depth of groundwater
<p>C. <u>§11-281-63(c) Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> if it is determined that a release has <u>not</u> occurred, the <u>o/o must report the results of the investigation</u> to the department within 30 days of the suspected release. The written report shall include results of the tests as well as performance claims 	<p><u>§280.52 Release investigation and confirmation steps</u></p> <ul style="list-style-type: none"> requires that an investigation be performed but does not require reporting of the negative results
<p>E. <u>§11-281-64(a) Reporting and cleanup of spills and overfills</u></p> <ul style="list-style-type: none"> cleanups must meet criteria as set forth in 11-281-78 	<p><u>§280.53 Reporting and cleanup of spills and overfills</u></p> <ul style="list-style-type: none"> no comparable provision
<p>D. <u>§11-281-64(c) Reporting and cleanup of spills and overfills</u></p> <ul style="list-style-type: none"> o/o who have to notify must submit a <u>written report</u> of cleanup actions within 90 days 	<p><u>§280.53 Reporting and cleanup of spills and overfills</u></p> <ul style="list-style-type: none"> requires reporting of the spill/overfill but does not require documentation

SUBCHAPTER 7. RELEASE RESPONSE

State Requirements	Federal Requirements
<p>A. <u>§11-281-71(b) General</u></p> <ul style="list-style-type: none"> for releases confirmed before the effective date of the State rules, the confirmation date will be the date of the rules 	<p><u>§280.60 General</u></p> <ul style="list-style-type: none"> no comparable provision
<p>B. <u>§11-281-72(a)(2), (3), & (4) Immediate response actions</u></p> <ul style="list-style-type: none"> examples of how to report a release include a fax but not electronic mail o/o must take necessary actions to prevent further release, <u>including removal of as much of the regulated substance from the UST as possible</u> o/o must take necessary action to minimize the spread of contamination 	<p><u>§280.61 Initial response</u></p> <ul style="list-style-type: none"> examples include electronic mail but not a fax removal of regulated substance is not specified no comparable requirement
<p>C. <u>§11-281-72(b) Immediate response actions</u></p> <ul style="list-style-type: none"> o/o must submit <u>written notice of confirmation</u> within 7 days in addition to a 24 hour notice 	<p><u>§280.61 Initial response</u></p> <ul style="list-style-type: none"> requires only the 24 hour notice
<p>D. <u>§11-281-73 Posting of signs</u></p> <ul style="list-style-type: none"> o/o may be required to post warning signs if DOH determines it appropriate to alert the public of a release 	<ul style="list-style-type: none"> does not require signs

E. <u>§11-281-74(a)(2)</u> <i>Initial abatement measures and site assessment</i> ‣ o/o must take action to minimize the spread of contamination	<u>§280.62</u> <i>Initial abatement measures and site check</i> ‣ no comparable requirement
F. <u>§11-281-74(a)(4)</u> <i>Initial abatement measures and site assessment</i> ‣ mitigate <u>dust</u> and <u>vapor</u> hazards and the <u>potential for leachate</u> generation posed by contaminated soils and <u>debris</u> that are excavated or exposed	<u>§280.62</u> <i>Initial abatement measures and site check</i> ‣ does not specify dust, vapor, potential for leachate generation, and debris
G. <u>§11-281-74(a)(6)</u> <i>Initial abatement measures and site assessment</i> ‣ remove and remediate contaminated soil to the extent necessary to prevent the spread of free product	<u>§280.62</u> <i>Initial abatement measures and site check</i> ‣ no comparable requirement
H. <u>§11-281-74(a)(7)</u> <i>Initial abatement measures and site assessment</i> ‣ o/o must also consider the <u>surrounding soil</u> and the <u>flow</u> of groundwater as factors for identifying a release	<u>§280.62</u> <i>Initial abatement measures and site check</i> ‣ specifies only backfill and depth of groundwater
I. <u>§11-281-74(b)</u> <i>Initial abatement measures and site assessment</i> ‣ complete initial site assessment and abatement within 90 days or sooner as determined by DOH and submit information with the 1st quarter report	<u>§280.62(b)</u> <i>Initial abatement measures and site check</i> ‣ o/o must submit a report summarizing initial abatement steps within 20 days or another reasonable period of time determined by the implementing agency ‣ does not specify that the o/o must actually undertake initial abatement steps before the 20 days
J. <u>§11-281-75(b)(5)</u> <i>Initial site characterization</i> ‣ o/o must assemble <u>any other information</u> that may relate to the impact of the release on human health and the environment	<u>§280.63</u> <i>Initial site characterization</i> ‣ no comparable requirement
K. <u>§11-281-75(c)</u> <i>Initial site characterization</i> ‣ o/o must complete initial site characterization with 90 days or sooner as determined by DOH and submit information with the 1st quarter report	<u>§280.63</u> <i>Initial site characterization</i> ‣ o/o must submit the information within 45 days or another reasonable period of time determined by the implementing agency
L. <u>§11-281-76(a)(4)</u> <i>Free product removal (FPR)</i> ‣ o/o must submit FPR information in the 1st quarter report	<u>§280.64</u> <i>Free product removal</i> ‣ submit FPR information within 45 days unless directed to do otherwise by the implementing agency
M. <u>§11-281-76(a)(4)(F)</u> <i>Free product removal (FPR)</i> ‣ submit FPR information that includes <u>steps taken to remove free product</u>	<u>§280.64</u> <i>Free product removal</i> ‣ no comparable requirement
N. <u>§11-281-76(a)(4)(H)</u> <i>Free product removal (FPR)</i> ‣ submit FPR information that includes a <u>schedule for completion</u>	<u>§280.64</u> <i>Free product removal</i> ‣ does not require a schedule
O. <u>§11-281-76(b)</u> <i>Free product removal</i> ‣ initiate FPR within 90 days or sooner as determined by DOH	<u>§280.64</u> <i>Free product removal</i> ‣ submit FPR information within 45 days
P. <u>§11-281-77(a)</u> <i>Investigation of soil and ground water contamination</i> ‣ investigation required for all confirmed releases	<u>§280.65</u> <i>Investigation of soil and ground-water cleanup</i> ‣ investigation required under certain circumstances including that the implementing agency may request an investigation
Q. <u>§11-281-77(b)</u> <i>Investigation of soil and ground water contamination</i> ‣ information on the investigation must be submitted with the quarterly reports	<u>§280.65(b)</u> <i>Investigation of soil and ground-water cleanup</i> ‣ information must be submitted as soon as practicable or in accordance with a schedule established by the implementing agency
R. <u>§11-281-78</u> <i>Site cleanup criteria</i> ‣ contaminated soil and water must meet: (1) Tier 1 action levels or (2) site specific action levels taking into account various criteria ‣ the department may require o/o to modify cleanup activities as appropriate ‣ a schedule of completion must be included in the fourth quarter report	‣ no comparable requirement ‣ no explicit requirement ‣ no comparable requirement
S. <u>§11-281-78.1</u> <i>Notification of confirmed releases</i> ‣ o/o must notify those members of the public directly affected by a confirmed release and the proposed response to the release	‣ no comparable requirement
T. <u>§11-281-79(a)</u> <i>Corrective action plan</i> ‣ a plan will be required when a release meets one or more of the specified criteria	<u>§280.66(a)</u> <i>Corrective action plan</i> ‣ does not specify criteria; leaves it up to the discretion of the implementing agency

U. <u>§11-281-79(b)</u> <i>Corrective action plan</i> ‣ plan must be submitted within <u>30 days</u> of the department's request with a <u>possible extension</u>	<u>§280.66(a)</u> <i>Corrective action plan</i> ‣ plan to be submitted according to a schedule established by the implementing agency
V. <u>§11-281-79(h)</u> <i>Corrective action plan</i> ‣ o/o must report quarterly on the results of implementing the plan	<u>§280.66</u> <i>Corrective action plan</i> ‣ plan to be submitted according to a schedule established by the implementing agency
W. <u>§11-281-80(b)</u> <i>Public participation</i> (for corrective action plans) ‣ DOH will conduct public participation activities but o/o will pay for costs	<u>§280.67</u> <i>Public participation</i> ‣ doesn't specify who pays
X. <u>§11-281-80(d)</u> <i>Public participation</i> (for corrective action plans) ‣ defines who are included under "members of the public directly affected"	<u>§280.67</u> <i>Public participation</i> ‣ does not define
Y. <u>§11-281-80(e) & (f)</u> <i>Public participation</i> (for corrective action plans) ‣ public notice shall be provided through a letter and through a legal notice	<u>§280.67</u> <i>Public participation</i> ‣ allows for other options
Z. <u>§11-281-80(g)</u> <i>Public participation</i> (for corrective action plans) ‣ DOH will receive public comments besides those received at a public meeting	<u>§280.67</u> <i>Public participation</i> ‣ comments will be considered only during a public meeting
AA. <u>§11-281-80(i)</u> <i>Public participation</i> (for corrective action plans) ‣ a request for a public meeting must be in <u>writing</u>	<u>§280.67</u> <i>Public participation</i> ‣ doesn't specify whether the request is in writing
BB. <u>§11-281-80(j)</u> <i>Public participation</i> (for corrective action plans (CAPs)) ‣ following the public comment period a notice of final decision may be issued, at the director's discretion	<u>§280.67</u> <i>Public participation</i> ‣ does not provide a final notice
CC. <u>§11-281-80.1(a)</u> <i>Reporting and recordkeeping</i> ‣ o/o must submit quarterly reports	‣ EPA has different reporting timeframes for various actions
DD. <u>§11-281-80.1(b)</u> <i>Reporting and recordkeeping</i> ‣ the reports must include: (1) all response actions taken, (2) a plan for future actions, and (3) the public notice information per 11-281-78.1	‣ EPA has different reporting timeframes for various actions

SUBCHAPTER 8. OUT-OF-SERVICE UST SYSTEMS & CLOSURE	
State Requirements	Federal Requirements
A. <u>§11-281-81(a)</u> <i>Temporary closure</i> ‣ defines "temporary closure"	<u>280.70</u> <i>Temporary closure</i> ‣ does not define
B. <u>§11-281-82(b)</u> <i>Permanent closure and change-in-service</i> ‣ 30 days before beginning closure or change-in-service, o/o must notify DOH of their intent, unless such action is in response to a <u>confirmed release</u>	<u>§280.71</u> <i>Permanent closure and changes-in-service</i> ‣ exception is made if the action is in response to <u>corrective action</u>
C. <u>§11-281-82(c)</u> <i>Permanent closure and change-in-service</i> ‣ 7 days before a permanent closure or change-in-service action, o/o must also notify DOH of the exact date the activity will occur.	<u>§280.71</u> <i>Permanent closure and changes-in-service</i> ‣ only requires notification 30 days prior to the activity
D. <u>§11-281-82(d)(1) & (e)(1)</u> <i>Permanent closure and change-in-service</i> ‣ to permanently close a tank or perform a change-in-service the o/o must <u>empty</u> the tank	<u>§280.71(b) & (c)</u> <i>Permanent closure and changes-in-service</i> ‣ the o/o must <u>empty and clean</u> the tank
E. <u>§11-281-83(c)</u> <i>Site assessment</i> ‣ includes <u>surrounding soil</u> & <u>flow</u> of groundwater to areas of consideration for sampling	<u>§280.72(a)</u> <i>Initial abatement measures and site check</i> ‣ specifies only backfill and depth of groundwater
F. <u>§11-281-83(d)</u> <i>Site assessment</i> ‣ corrective action required if a <u>release is discovered</u>	<u>§280.72(b)</u> <i>Initial abatement measures and site check</i> ‣ corrective action required if contaminated soil or water or if free product is discovered

<p>G. <u>§11-281-84(a)</u> <i>Previously-closed underground storage tanks or tank systems</i></p> <p>► requires o/o of tanks permanently closed before 12/22/88 to comply with subchapters 6, 7, & 8, if contaminated soil, contaminated ground water, or free product as a vapor or liquid is discovered</p>	<p><u>§280.73</u> <i>Applicability to previously closed UST systems</i></p> <p>► requires compliance if a release from the UST may, in the judgment of the implementing agency, pose a current or potential threat to human health and the environment</p>
<p>H. <u>§11-281-85(a) & (b)</u> <i>Records & reports</i></p> <p>► o/o closing or changing the service of a tank must submit a revised written notification or written notice</p>	<p><u>§280.74</u> <i>Closure records</i></p> <p>► no comparable requirement</p>

SUBCHAPTER 9. FINANCIAL RESPONSIBILITY	
State Requirements	Federal Requirements
Virtually the same as the federal requirements.	

SUBCHAPTER 10. FIELD CITATIONS	
State Requirements	Federal Requirements
<p>A. <u>§11-281-121</u> <i>Purpose</i></p> <p>► the purpose of the subchapter is to create a field citation program</p>	<p>► no comparable provision; guidance only</p>
<p>B. <u>§11-281-122</u> <i>Applicability</i></p> <p>► this subchapter applies to violations that the department deems appropriate for resolution through a field citation</p> <p>► the field citation is an offer to settle</p>	<p>► no comparable requirements; guidance only</p>
<p>C. <u>§11-281-123</u> <i>Issuance and contents of a field citation</i></p> <p>► any o/o who violates the State UST statutes or rules may be subject to a field citation</p> <p>► the citation will be in the form prescribed in subchapter 10 and contains a notice of violation and an expedited compliance order/settlement agreement</p>	<p>► no comparable requirements; guidance only</p>
<p>D. <u>§11-281-124</u> <i>Notice of citation</i></p> <p>► a notice of citation is part of the citation and includes a penalty amount for settlement</p>	<p>► no comparable requirements; guidance only</p>
<p>E. <u>§11-281-125</u> <i>Field citation order/settlement agreement</i></p> <p>► in signing the agreement, the o/o agrees not to challenge the citation and waives the right to a contested case hearing</p>	<p>► no comparable requirements; guidance only</p>
<p>F. <u>§11-281-126</u> <i>Correcting violations; paying the settlement amount; and signing the settlement agreement</i></p> <p>► in order to settle the notice of citation and field citation order, the o/o must correct the violations, pay the settlement amount, and sign and return the settlement agreement within 30 days. If not the citation is automatically withdrawn ► DOH may grant an extension of no more than 30 days ► DOH may grant an additional extension</p>	<p>► no comparable requirements; guidance only</p>
<p>G. <u>§11-281-127</u> <i>Methods of payment</i></p> <p>► payment shall be by cashier's or personal check made payable to the "State of Hawaii" and submitted to DOH</p>	<p>► no comparable requirements; guidance only</p>
<p>H. <u>§11-281-128</u> <i>Field citation penalty amounts for settlement</i></p> <p>► penalties may be assessed for settlement of a field citation according to App. VIII ► amounts range from \$50 to \$300 per violation</p>	<p>► no comparable requirements; guidance only</p>

LENDER LIABILITY	
State Requirements	Federal Requirements
▶ no comparable requirements	▶ 280 Subpart I